

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

KYLE D.,  
Plaintiff,  
v.  
COMMISSIONER OF THE  
SOCIAL SECURITY  
ADMINISTRATION,  
Defendant.

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Case No. 3:22-CV-104  
JUDGE WALTER H. RICE  
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DECISION AND ENTRY ADOPTING THE UNITED STATES  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC.  
#12); REVERSING COMMISSIONER'S NON-DISABILITY FINDING;  
REMANDING TO SOCIAL SECURITY ADMINISTRATION UNDER  
SENTENCE FOUR OF 42 U.S.C. § 405(g) FOR FURTHER  
CONSIDERATION; JUDGMENT TO BE ENTERED IN FAVOR OF  
PLAINTIFF AND AGAINST DEFENDANT; TERMINATION ENTRY

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On February 2, 2023, United States Magistrate Judge Terence P. Kemp issued a Report and Recommendations. Doc. #12. He recommended the following: (1) that the Court reverse the Administrative Law Judge's ("ALJ") non-disability finding for the closed period of disability as to Plaintiff's Carpal Tunnel Syndrome and remand, pursuant to 42 U.S.C. § 405(g), for further consideration of the issues identified therein, *Id.*, PageID##2023-25; and (2) that the Court affirm "the portion of the ALJ's decision concerning the extent of Plaintiff's mental functional limitations." *Id.*, PageID#2025. No Objections have been filed within the time allotted.

Based on the reasoning and citations of authority set forth in the Report and Recommendations, and on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS the Report and Recommendations, Doc. #12, in its entirety and REVERSES the Commissioner's non-disability determination. The Court REMANDS this matter to the Social Security Administration under Sentence Four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations.

Judgment shall be entered in favor of Plaintiff and against Defendant.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 18, 2023

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE